

1887-014 Chancery Causes: William Goins vs. J. R. Ely &c  
Lee Co.

Wygal

CA-Contract Dispute  
T-Property



To the Honorable John A. Kelly, Judge  
of the Circuit Court of said County:

Your orator, the undersigned of the  
said County humbly complaining  
would respectfully represent unto  
your Honor: That in October 1884  
he sold for two hundred and  
fifteen dollars to one J. R. Ely, a  
certain house and lot lying and be-  
ing said County about three miles  
west of Jonesville and known  
as fork Jackson, and in payment  
whereof said J. R. Ely paid your  
orator one hundred and fifteen  
dollars down, and ~~do not~~: on the 4<sup>th</sup>  
day of Oct. 1884 executed his note  
or bond bearing interest from  
date and sealed with his seal  
and payable 12 months after  
date to wit: on the 4<sup>th</sup> day of  
Oct. 1885 for one hundred dol-  
lars, of which bond the said  
J. R. Ely doth fail, refuse and  
neglect to pay to your orator. As  
a part of this bill said bond of  
\$100 is here filed and marked  
"A". And your orator would further  
represent unto your Honor that  
he conveyed by deed said house

Said note was given to him or mislaid as that  
the same could not be found but an affidavit  
showing the amount of price notes the date of its ex-  
ecution, time it became due and its value is  
here given in stead of said note marked "A"



and lot reserving his vendors lien  
to said J. R. Ely, and that he has  
been informed and had repre-  
sented unto him that said J. R.  
Ely has sold said house and  
lot to one Newton Mygal.

Now as your orator is un-  
edilred in a court of law, and  
can only maintain and enforce  
his right in this cause in  
a court of chancery, he rever-  
ently and humbly prays your  
Honor to take cognizance of  
his cause, and compel the said  
~~J. R. Ely~~ J. R. Ely to specifically perform  
his contract, to enforce his ven-  
dors lien and to make J. R. Ely  
and Newton Mygal parties de-  
fendants to this bill of complaint  
and that they each be required to  
answer the several allegations  
contained herein upon their oaths  
as fully and particularly as if  
each had been individually and  
specifically interrogated thereon;  
and particularly that that the said  
J. R. Ely be required to say whether  
two hundred and fifty dollars  
was not the purchase price of



said land; whether said Ely did  
not pay your orator one hun-  
dred and fifteen dollars down;  
whether or not there is not  
yet remaining unpaid upon  
the purchase price of said land  
one hundred dollars with legal  
interest thereon from the 4<sup>th</sup>  
day of October, 1884; and whether  
or not your orator did not  
convey said land to said Ely  
reserving his vendors lien. And  
your orator further prays such  
other and further and general  
relief as may be adapted to the  
nature of his cause and agree-  
ble to equity and good conscience.  
May process issue &c. And your  
orator ever prays &c.

Duncan & Cunningham  
P.L.



Wm Gains  
vs. & Bill in Chan

J.R. Ely et al

D. & P.  
5.42 to Mar. 1886  
1.00  
6.00  
21.42  
20.00 ✓  
26.42

1885 Octo, Bill Filed & Paid  
& D. Order Nov. Decree

" Visi Conf, Decr Cont'd  
1886 Gang, & Suby Cont'd

" March Cause set for hearing  
" March Term Decree for  
sale & Cont'd.

" Aug Decree & Cont'd  
1887 Nov Continued  
Mar. Cont'd.

Aug Decree final

28.28



John Goins

vs

J. R. Ely et al

} In chancery

This cause <sup>came on</sup> on this day to be heard upon the papers formerly read in the cause and was argued by counsel. And for reasons appearing to the court the said cause is stricken from the docket.

Spullain

vs 4 Decem finae

J.R. Ry et al

Entered page 45  
CO Book No 3,  
J.H. Hyattlee

enter this

H.A.M.

Aug 30<sup>th</sup> 1887



Wm. G. Jones  
vs  
J. R. Ely et al } In Chancery

This cause came on again this day to be heard upon the papers formerly read in this cause and the report of W. H. Pennington who was appointed a special Commissioner to sell the lands in the bill mentioned, and said report being filed more than ten days before the this term of the court and there being no exceptions made to said report, and was argued by counsel; On consideration of which it is ordered, adjudged and decreed that said sale and report be confirmed, and this cause is continued.



W. L. G. Jones

75. 1/2 Andersen

J. R. Ely et al

Entered on page  
5-37.

Enter this

In A. K.

Aug 24<sup>th</sup> 1886



Non Return Compt

vs.

J.R. Ely et al (Def)

In Cham.

This cause came on  
this day to be heard upon the bill  
of the complainant, the exhibits  
and was argued by counsel, and it  
appearing ~~to the~~ that process has  
been duly served upon each of  
the defendants for more than  
30 days before the 1<sup>st</sup> day of this  
term of the court and that they  
~~defendants~~ have failed to ap-  
pear, answer, demur or plead,  
the bill is taken for confessed;  
On consideration of which it is  
adjudged, ordered and decreed  
that the plaintiff recover against  
the defendants the sum of One  
Hundred dollars with legal  
interest thereon from the 4<sup>th</sup>  
day of Oct 1884 ~~to be~~ paid, and  
the costs of this suit; and un-  
less the <sup>said J.R. Ely</sup> ~~defendants~~ or some one  
for ~~them~~ <sup>him</sup> pay said sum of money, in-  
terests and costs within 30 days  
from the rising of this court then  
E.W. Pringleton who is appointed a  
special Commissioner for the purpose



do proceed to sell said lands and lot  
in the bill mentioned upon a credit six  
twelve ~~and eighteen~~ months to the highest  
bidder, except a sum sufficient to  
pay costs of this suit and commission  
of sale which he will require to be paid  
down, and for the residue of payments  
he will require bonds with good security  
bearing interest from date; and when these  
bonds are due he shall collect them  
and pay over first the amount due the  
Complainant and the residue to the  
parties Defendants; But before selling he  
shall advertise the time, terms and place  
of sale by posting written notices in 3  
public places in said County, one of which  
shall be on the court house door, another  
in the neighborhood where the land lies

And he will before executing this decree give  
bond before the clerk of this court in a penalty  
of two hundred dollars to faithfully account  
for all sums collected by him, he will report this  
action to this court, and the same is continued.

Wm. Gains

W. 12/2/00

J. R. Ely & Co.

Entered for sale

309  
J. H. G. Hyatt & Co.

Wm. Morgan  
Marcher

Entre the

March 27/00



Wm. L. Jones

vs

John R. Ely et al

} In chancery

The undersigned appointed a special commissioner in the above styled cause. He has to report that pursuant to a decree entered in the said cause at the March term of your Honor's circuit court 1885- from the 8th day of May that being court day offered the house and lot in the vice of said cause for sale and Newton Hygal who was one of the plaintiffs in said cause became the purchaser at \$150<sup>00</sup>. He then executed his <sup>two</sup> notes on a credit of six & twelve months with Sebastian Hygal as his surety for \$58.38<sup>4</sup> each to your commissioners. He paid your commissioner the Commission of sale, and \$1<sup>00</sup> which was paid to S. H. Twining Deputy Sheriff as his costs, and the clerk agreed that Mr. N. Hygal should settle with him for his costs and tax. Your commissioners



of the opinion that the notes  
have sufficient security, and as  
the sale is insufficient amount  
to pay the plaintiff his debt  
interest and costs he thinks  
the sale should be confirmed  
Aug 19th 1886

Respectfully Submitted

E. W. Cunningham

Court

June 1st 1886

Wm. Lewis  
73 1/2 Referred  
1/2 Commission

John R. West  
Aug 12 1886  
J. A. G. Wyatt  
cc



Know all men by these presents that we E. W. Pennington and C. S. Duncan are held and firmly bound unto the Commonwealth of Virginia in the first and full sum of Two Hundred Dollars, for the prompt payment thereof unto the said Cometh, we each bind ourselves heirs to and we as to this bond hereby waive our Homestead Exemptions, witness our hands and seals this 5<sup>th</sup> day of April 1886.

The Condition of the above obligation is such that whereas the above bound E. W. Pennington was appointed a Special Comr, in the Chancery Cause now pending in Lee Circuit Court of Wm Goins vs Jas. R. Ely et al, at the March Term 1886, and by a decree entered therein directed to make sale of a house & lot of land mentioned in said bill.

Now Therefore should the said E. W. Pennington promptly & justly perform the duties assigned him and account for all



sums of money which he may  
receive as such Court then this  
obligation to be void otherwise  
to remain in full force.

E. W. Huntington, *Secy*  
C. T. Ransom, *Secy*

Wm. Gains  
vs  
Bond  
Jas. R. Ely et al  
Filed Apr. 3<sup>rd</sup> 1886  
J. A. Bennett, *clerk*



Rec'd of E. W. Pennington one  
dollar my costs in the case  
of MulGuino vs. John R Ely et al  
this May 18/86.

S H Guiny D S



of May 1886, during which time  
I will be at my office in the town  
of Jonesville Va. to receive such  
evidence



# The Commonwealth of Virginia,

To the Sheriff of Lee County--Greeting:

WE COMMAND YOU to summon

*J. R. Ely and Newton*

*Mygal*

to appear at the Clerk's office of the Circuit Court of Lee County, at the Court House, on the first Monday in  
*October* next, being Rule Day, to answer a Bill in Chancery exhibited in our Court against  
*them*, by

*William Goins*

And have then and there this Writ. Witness, J. A. G. HYATT, Clerk of our said Court, at the Court House,  
this *6<sup>th</sup>* day of *October*, 188*5*, in the *10* year of the Commonwealth.

*J. A. G. Hyatt*, Clerk.

A Copy---Teste:



TOP

Am. Series  
no. 3 Spain Chay  
J. R. Ely et al

To October Rules 1885-

Executed & delivered  
and office Copy of  
the within to J. R.  
Ely & one to R. W. Gale  
mond Oct 4 1885

S. H. Cuning  
for R. J. Flaney  
S. L. C.